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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,507	07/27/2001	Kim Clohessy	RSW920010069US1	9737

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EXAMINER

TRUONG, CAMQUY

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,507

Applicant(s)

CLOHESSY ET AL.

Examiner

Camquy Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-25 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack proper antecedent basis:

- i. The CARSRMAX – claim 1, line 8.

B. The claim language in the following claims is not clearly understood:

- i. As to claims 1, 14 and 20, it is not clearly understood what an associated RDL is; line 7, it is not clearly indicate an associated RDL is refer to a plural or singular; line 8, it is not clearly indicate what the CARSRMAX is and how the CARSRMAX relates to the maximum required runtime resources.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (U.S. Patent 6,282,561 B1) in view of Soini et al. (U.S. Patent 6,611,693 B2).

6. Jones et al was cited in the last office action.

7. As to claims 1, 14 and 20, Jones teaches the invention substantially as claimed including: A runtime-resource management-method (col. 1, line 37-38), said method comprising the steps of:

Identifying one or more new application components to be loaded and stored in memory (col. 1, lines 27-29; Fig. 1; col. 5, lines 34-37)), each of said one or more new application components having an associated resource description list (RDL) (col. 5, lines 65-67);

Determining maximum required runtime resources for said one or more new application components from said associated RDLs (34, Fig. 2; col. 5, lines 14-15 and lines 66-67; col. 7, lines 9-12);

Determining the CARSRMAX in of said device (col. 7, lines 26-69);

Comparing said maximum required runtime resources for said one or more new application components to said CARSRMAX (col. 8, lines 44-45; col. 11, lines 13-16);
and

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8. Jones does not explicitly teach that prohibiting said one or more new application components from being loaded and stored in the flash memory of portable device if said CARSRMAX is less than said maximum required runtime resources. However, Soini teaches prohibiting said one or more new application components from being loaded and stored in the flash memory of portable device if said CARSRMAX is less than said maximum required runtime resources (col.8, lines 30-44).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching the Jones and Soini because Soini's prohibiting said one or more new application components from being loaded and stored in the flash memory of portable device if said CARSRMAX is less than said maximum required runtime resources would increase the throughput of Jones' system by having step of prohibiting one or more new application components from being loaded and stored in the flash memory of portable device if said CARSRMAX is less than said maximum required runtime resources to utilized effectively using multi- service mobile station.

10. As to claims 5, 17 and 23, it is rejected for the same reason as claims 1, 14 and 20. In addition, Jones teaches reserving maximum runtime resources required for each application component stored in memory of the portable device (col. 5, lines 11-18, lines 35-38 and lines 65-67; col. 13, lines 31-40).

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11. As to claims 2, 15 and 21, Jones teaches said step of determining said CARSRMAX comprises the steps of:

Determining total runtime system resources of said device (col. 9, lines 52-54);

Determining total maximum reserved runtime resources for application components stored in the flash memory of said device (col. 9, lines 55-58; col. 13, lines 31-40); and

Calculating said CARSRMAX based on said total runtime system resources and said total maximum reserved runtime resources (col. 9, lines 59-61).

12. As to claims 3, 16 and 22, Jones teaches:

Removing one or more of said application components stored in the memory of said device (col. 4, lines 21-22); and

Releasing maximum runtime resources reserved for said one or more application components removed from the memory of device, thereby increasing said CARSRMAX of device (col. 10, lines 40-41).

13. As to claim 4, Jones teaches said CARSRMAX comprises requirements for at least one or more runtime system resources selected from a group consisting of RAM, threads, and sockets (col. 4, lines 36-37; col. 5, lines 33-36; col. 13, lines 55-56).

14. As to claims 6, 18 and 24, Jones teaches running one or more of said application components stored in memory of device using no more than said maximum required

runtime resources reserved for each of said one or more loaded application components (col. 5, lines 18-20).

15. As to claims 7, 19, 25 Jones teaches opening said one or more applications components stored in memory (col. 5, lines 35-37);

Monitoring requests for runtime resources by each of said one or more application components stored in memory (col. 5, lines 2-4);

Comparing runtime resources in use plus runtime resources requested to said maximum required runtime resources reserved for each of said one or more application components stored in memory (col. 5, lines 15-17; col. 8, lines 41-50); and

Preventing each of said one or more application components from using more than said maximum required runtime resources reserved for each of said one or more loaded application components stored in memory (col. 5, lines 15-17; col. 8, lines 55-58).

16. As to claim 8, Jones teaches allocating a segment of RAM within the device to each of said application components stored in memory based on RAM requirements in an RDL associated with each of said application component, said allocated segment of RAM being for use by said application component stored in memory (col. 5, lines 10-14).

17. As to claims 9, 11 and 13, Jones teaches running one or more application components stored in memory using said allocated segments of RAM (col. 5, lines 55-57);

Monitoring RAM use by said one or more application component stored in memory (col. 5, lines 4-7);

Preventing each of said one or more application components stored in memory from using more than said segment of RAM allocated to each of said one or more application component stored in memory (col. 5, lines 15-18; col. 8, lines 43-45; col. 11, lines 12-14; col. 13, lines 64-67);

18. As to claims 10 and 12, Jones teaches writing thread requirement to a thread table for each of said application component stored in flash memory based on thread requirement in an RDL associated with each of said application stored in memory (col.6, lines 19-25).

Response to the argument

19. Applicant's arguments filed 4/21/2005 have been considered but are not moot in view of the new ground(s) rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

July 18, 2005


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SUPERVISORY PATENT EXAMINER
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